

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ESTATE OF MICHAEL TRISTIAN	:	
PAONE, deceased, by and through the	:	
Administrators of the Estate, MICHAEL	:	
PAONE, JR. and LISA PAONE; LISA	:	
PAONE, individually; and JULIANA	:	
PAONE, individually,	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	
PLYMOUTH TOWNSHIP and	:	
PLYMOUTH TOWNSHIP POLICE	:	
OFFICERS DOES 1-10,	:	No. 22-2178
Defendants.	:	

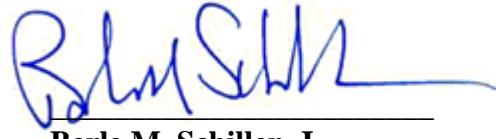
ORDER

AND NOW, this **8th** day of **August 2023**, upon consideration of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint in Part (ECF 20), Plaintiffs' Response in Opposition (ECF 21), and Defendants' Reply in Support of its Motion (ECF 22), and consistent with the accompanying Memorandum of Law, it is **ORDERED** that the Motion to Dismiss is **GRANTED in part and DENIED in part** as follows:

1. Defendants' Motion is **GRANTED** with respect to Plaintiffs' section 1983 excessive force claim (Count I), which is **DISMISSED** with prejudice as to Defendant Plymouth Township **only**;
2. Defendants' Motion is **GRANTED** with respect to Plaintiffs' claims against Defendants for a conspiracy to interfere with civil rights pursuant to 42 U.S.C. § 1985(3) (Count III) and for neglect pursuant to 42 U.S.C. § 1986 (Count IV), which are **DISMISSED** with leave to amend to the extent that Plaintiffs can allege sufficient facts to state a plausible claim for relief;

3. The Motion (ECF 20) is **DENIED** as to all other counts;
4. Plaintiffs may file a Third Amended Complaint consistent with this Order and the accompanying Memorandum, if any, or notify the Court that they will proceed on their remaining claims, **on or before Tuesday, August 29, 2023.**

BY THE COURT:



Berle M. Schiller, J.